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TRADE AND MANUFACTURING SITE IN ALASKA

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Alaska State Office
701 C Street, Box 13
Anchorage, Alaska 99513

Anchorage District Office
4700 East 72nd Avenue
Anchorage, AK 99507

Fairbanks District Office
P. O. Box 1150
Fairbanks, AK 99707

TRADE AND MANUFACTURING SITE INFORMATION PAMPHLET

GENERAL

Section 10 of the Act of May 14, 1898 (30 Stat. 413), as amended, authorizes the sale as a trade and manufacturing site of one tract of vacant and unreserved public land in Alaska, not exceeding 80 acres, to any qualified person, association, or corporation. To qualify for purchase under this act, an individual must be 21 years old, and a citizen of the United States who has not previously acquired title to land under the act and the claimant must show that he has occupied the land in good faith for the purpose of trade, manufacture or other productive industry. Unappropriated and unreserved land open to settlement, whether surveyed or unsurveyed, is subject to settlement and appropriation under the Trade and Manufacturing Site Act. No person, association or Corporation may receive patent to more than one parcel of land under this Act.

The land claimed must be nonmineral in character, except that land classified as valuable or prospectively valuable for coal, oil, and/or gas may be appropriated subject to a reservation to the United States of all the coal, oil, and/or gas in accordance with the provisions of the Act of March 8, 1922, as amended, (42 Stat. .415; 48 U.S.C. 376, 377).

Lands that have potential value for geothermal resources may be settled, but any patent issued for these lands will contain a reservation of these resources to the United States in accordance with the Act of December 24, 1970 (84 Stat. 1566).

Persons desiring to obtain land for a trade and manufacturing site should visit the BLM office having jurisdiction over the land in which he/she is interested for information concerning the availability of the land and the procedures for initiating settlement. Since the land pattern in Alaska is now very fragmented and there are many private lands intermingled with the public lands, this initial visit to the appropriate BLM office is essential to keep a settler from spending time and money improving land that is not available to settlement and could never be patented to him.

THE MEANING OF SETTLEMENT

Settlement is initiated through the personal acts of the settler placing improvements upon the land. A person making settlement is required by law, in order to protect his rights, to do two things within 90 days after date of settlement. They are: (1) file a notice of location of the settlement in the appropriate BLM office, and (2) post a copy of the notice on the land. Unless a notice of the claim is filed within 90 days after the date of settlement, no credit can be given for any occupancy of the land prior to the filing of the Notice of Location. When filing the Notice of Location it is extremely important to give the date on which settlement or occupancy was made. The mere filing of a location notice without actual appropriation of the land is not sufficient to hold the land against the valid appropriation of another settler. Settlement or occupancy requires the staking of the land, beginning improvements or using the land. This initial act of settlement must be followed within a reasonable time by further acts of settlement and improvement.

DESCRIPTION OF THE LAND

1. Surveyed land must be described by legal subdivision, section, township, range, and meridian.

2. Unsurveyed land must be described by metes and bounds, giving directions and distances. The description must be tied to a survey monument, or a prominent and reasonably permanent natural feature so the BLM can readily and accurately identify the claim on the ground and on the official land status records.

The point of beginning must be tied to a survey monument, if there is one in the vicinity. If there is no survey monument available, the point of beginning must be tied to a natural feature such as the mouth of a creek or stream, river junction, mountain peak, or other prominent point or natural object. The latitude and longitude of the point of beginning must also be given as accurately as possible. The description must be accurate enough to be plotted on the BLM's land status records. The claimant must also submit a copy of a topographic map such as a U.S.G.S. 1" to 1 mile quadrangle, with the boundaries of his claim clearly outlined.

The applicant must describe the land in rectangular form and the boundaries must follow the cardinal points of the compass (true north, south, east, west) unless one or more of the boundaries is a stream or other fixed natural object. In this case, only the approximate course and distance along such stream or natural object need be given, but the other boundaries must conform to cardinal directions. A trade and manufacturing site may not be more than four times as long as it is wide. It may not extend for more than 1320 feet (80 rods) along the shore of any navigable water.

For more complete information and instructions on how to describe and mark unsurveyed lands, please contact the appropriate BLM office in Alaska.

NOTICE OF LOCATION

1. Notice of location is filed in the appropriate BLM office (i.e. the Alaska State Office for the Anchorage Land District and the Fairbanks District Office for the Fairbanks Land District.) after the initiation of settlement on the land. The notice must be filed in duplicate if land is surveyed and in triplicate if land is unsurveyed and in the case must be accompanied by a filing fee of $10.00.

If the notice of location is made by an association of citizens or a corporation, the following information must be submitted with it:

a. The qualifications of each member of the organization.

b. A copy of the Articles of Association or Articles of Incorporation or other evidence showing the organization is authorized to hold land.

c. For corporations only:

(i) Proof of incorporation, which must be established by the certificate of the officer having custody of the records of incorporation at the place of its formation.

(ii) A certificate from the Secretary of State indicating that the corporation is authorized to do business in Alaska.

(iii) Evidence that the individual signing the application is authorized to act for the corporation in such matters.

2. When the notice is filed and the filing fee paid, the BLM will assign it a serial number. The claimant should refer to this serial number when inquiring about his claim.

3. BLM will then check the official land status records for any other rights which would prevent settlement and will gather information as to the mineral value of the land.

a. If the land status is clear and the land has no value for minerals other than coal, oil, and/or gas, the lands are suitable for settlement. The BLM will then provide the claimant with a copy of his/her notice, signed by the authorized officer, which is the authority to continue to "prove-up" on the land.

b. If other filings are found to exist or the lands are found to have mineral value, other than for oil, gas, or coal; the lands are not available for settlement and the claimant will be so notified by decision.

c. If the lands in the claim are found to be valuable or prospectively valuable for coal, oil and/or gas; these minerals will be reserved to the United States as required by the Act of March 8, 1922, as amended (42 Stat. 415.48 (U.S.C. 376-377).

d. If the lands in the claim are found to be valuable or prospectively valuable for geothermal resources, these resources will be reserved to the United States as required by the Act of December 24, 1970 (84 Stat. 1566).

4. The five-year period allowed to "prove up" begins on the date the claimant files the notice of location with BLM. The notice of location must be filed within 90 days of the date of settlement or the claimant cannot be given credit for any residence, etc. accomplished prior to the filing of the Notice of Location or application to purchase whichever is earlier.

APPLYING TO PURCHASE (APPLYING FOR PATENT)

1. The applicant may apply to purchase the claim at any time after the completion of improvements and the commencement of business operations, but must apply within the five-year life of the settlement specified by law. Only the acreage that is actually being used for the purpose of trade, manufacture or other productive industry may be patented.

2. The application to purchase must be filed in the appropriate BLM office in duplicate and must be accompanied by a $10.00 filing fee. (Check or money order must be made payable to the Bureau of Land Management).

3. The Purchase price of $2.50 per acre (with a minimum price of $10.00) must be paid before patent may be authorized.

4. The Application to Purchase must be accompanied by documentary evidence such as copies of business licenses, tax receipts, customer receipts, etc. showing that the applicant is in fact, operating a business on the land when he/she applies to purchase.

5. What happens after the application to purchase is filed? After receiving the application to purchase, a BLM employee will examine the land to see that the applicant has complied with the requirements of the Trade and Manufacturing Site Law.

a. Surveyed lands: If the land is surveyed, the applicant will then be required to publish notice of the filing of the application to purchase as outlined below under "Publication."

b. Survey of Unsurveyed Land: If the land is unsurveyed, a survey will be scheduled. Publication cannot be authorized until the land is officially surveyed by the BLM.

(i) Upon notification of the estimated cost of the survey by the BLM, the applicant must pay the estimated cost of the survey.

(ii) After the land has been surveyed on the ground, a plat of survey is prepared. The plat must then be approved and officially filed.

(iii) Upon completion of the survey and determination of the actual cost of survey, (1) the overpayment, if any will be refunded to the applicant or (2) the applicant will be billed for any cost in excess of what he has previously paid.

(iv) When the plat of survey is officially filed, the applicant is notified and publication is authorized.

c. Publication: Full instructions for publishing the notice of filing of the application to purchase in a designated newspaper are mailed to the applicant. The BLM will ask for the purchase price at this time, if it has not already been paid. The applicant must also pay the cost of publication.

(i) When publication is complete, the applicant must file the publisher's affidavit of publication and an affidavit showing that the required document(s) have been posted on the land during the period of publication.

(ii) During the period of publication and for 30 days afterward, any person, corporation or association having or asserting an adverse interest in or claim to the land may file a notice of such claim in the office where the Application to Purchase is pending. Such notice must be filed in accordance with the provisions of the Act of May 14, 1898 (30 Stat. 413; 48 U.S. 359). The adverse claimant is then required to begin action to quiet title in a court of competent jurisdiction within 60 days after the filing of the adverse claim. No patent will be issued until the final decree of the court is received. The patent, when issued, will be issued in conformity with the final decree.

Any protest which may be filed that does not show the protestant intends to commence action to quiet title, and any contest which may be filed, will be disposed of in accordance with the rules of practice contained in 43 CFR 4.450.

Final Certificate and Patent

1. If no adverse claim is filed, and all else is found to be satisfactory, a final certificate authorizing patent is prepared. The patent is then prepared and mailed to the applicant.

2. Once the patent is issued, the patentee is required by State law to record the patent in the recording district in which the land is located. Recordation taxes, etc. are the responsibility of the patentee.

For regulations concerning the Trade and Manufacturing Site Law, see Title 43 of the Code of Federal Regulations, part 2562.

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